

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

BRANDALENE HORN,

Defendant.

**Affirmation in Support of  
Application for Order of  
Continuance**

24 Mag. 636

State of New York )  
County of New York : ss.:  
Southern District of New York )

Katherine Cheng, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated February 12, 2024, with violations of 18 U.S.C. §§ 1341, 1343, 2314, and 2. The defendant was arrested in the Eastern District of Michigan on February 14, 2024, and was presented in that District before Magistrate Judge Patricia T. Morris on that same date, at which proceeding the defendant was represented by David A. Koelzer, Esq., and ordered released on bail with certain conditions. The defendant was then presented in this District before Magistrate Judge Gabriel W. Gorenstein on February 28, 2024, at which proceeding the defendant was represented by Sylvie Levine, Esq., and ordered released on bail with certain conditions.

3. At the presentment on February 28, 2024, a preliminary hearing was scheduled for March 29, 2024, after defense counsel consented to extend the deadline within which to conduct a preliminary hearing. Under the Speedy Trial Act, the Government had until March 15, 2024 within which to file an indictment or information. *See* 18 U.S.C. § 3161(b).

4. On March 12, 2024, Magistrate Judge Stewart D. Aaron entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until April 15, 2024.

5. On April 15, 2024, Magistrate Judge Katharine H. Parker entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until May 15, 2024.

6. On May 20, 2024, Magistrate Judge Jennifer E. Willis entered an Order of Continuance *nunc pro tunc*, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until June 14, 2024.

7. On June 13, 2024, Magistrate Judge Barbara C. Moses entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until July 15, 2024.

8. Defense counsel and I have had discussions regarding a possible disposition of this case. The parties plan to continue our discussions, but do not anticipate a resolution before July 15, 2024.

9. Therefore, the Government requests a 30-day continuance until August 14, 2024, to continue the foregoing discussions toward resolving this matter. On July 11, 2024, I personally corresponded with defense counsel, who has specifically consented to this request. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division.

10. For the reasons stated above, good cause supports the extension of the preliminary hearing deadline, and the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York  
July 15, 2024

  
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Katherine Cheng  
Assistant United States Attorney  
212-637-2492